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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,151	11/05/2003	John L. Manuel	200300161-1	7814

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EXAMINER

SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

NOTIFICATION DATE	DELIVERY MODE
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02/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/702,151	Applicant(s) MANUEL ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-19,23,31 and 35-44 is/are rejected.
- 7) ☒ Claim(s) 20-22 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23, 31 and 33-44, are pending in this application.

Allowable Subject Matter

2. Claims 20-22, are objected to as being dependent upon a rejected base claim, but would be allowable if the combination of claims 20 – 22 are rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 33, is allowable.
4. Claim 34, is objected to, but it would be allowable if amended to include a storing and execution of the computer program product. For example preamble can be rewritten in this form: “a computer-readable medium storing instructions executable by a processor, the instructions comprising:”

Claim Objection

5. Objection , computer-readable medium:

Claim 34 and 40 are objected to because the claimed invention is directed to a computer program product that is not stored and executed by a processor. The applicant is recommended to use this language (i.e. a computer-readable medium

Art Unit: 2194

storing instructions executable by a processor, the instructions, comprising:).

Dependent claims 41-44 are also affected by the objection of claims 40.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-19, 23, 31, 35-44 are rejected under 35 U.S.C. 103 (a) as unpatentable over Zehler (US 20040136027) in view of Thompson (US 20040210661).

8. As to claim 14, Zehler teaches the invention substantially as claimed including a system, comprising an object generator (22, FIG. 1; abstract; paragraph 2 and 4;) and a processor operable to execute the object generator (FIG. 1; wherein a host system are known in the art to include a processor), the object generator including instructions that when executed by the processor function as:

an object factory configured to poll object proxies capable of producing respective objects responsive to system needs (FIG. 1; paragraph 22, 25-26); and

Art Unit: 2194

a pool including the object proxies for producing the object, the pool configured to receive indicia of the object from the object factory (paragraph 3; 32, FIG. 1; paragraph 29) .

9. Zehler does not explicitly teach confidence levels returned by the object proxies.

10. Thompson teaches a pool of objects and estimating confidence levels associated to the objects (paragraph 37).

11. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Zehler's invention with Thompson's to provide a mechanism that returned confidence levels of the object proxies, because it would improve the efficiency of Zehler's system by optimizing the searching effectiveness of data object from the object pool in order find optimal fits for user's targeted object devices (Thompson's; abstract).

12. As to claim 15, Zehler teaches, an interface associated with the object factory, the interface configured to receive a request for the object (26, FIG. 1; paragraph 23).

13. As to claim 16, Zehler teaches, wherein the interface is configured to communicate with a user interface (18, FIG. 1; paragraph 23).

14. As to claim 17, Zehler teaches, wherein the interface is configured to communicate with a device that will interact with the object (14, FIG. 1).

15. As to claim 18, Zehler teaches, wherein the interface is configured to receive a device identifier (paragraph 14).

16. As to claim 19, Zehler teaches, wherein the interface is configured to receive a device identifier associated with a printer (paragraph 14).

17. As to claim 23, Zehler teaches, an object store configured to receive an object generated by an object proxy (30, FIG. 1).

18. As to claim 40, Zehler teaches the invention substantially as claimed including a computer-readable medium, comprising:

logic configured to receive a request to use a printer (FIG. 1; paragraph 7-8);

logic configured to poll printer driver proxies (Fig. 1; paragraph 3 and 4);

logic configured to select one of the printer driver proxies (FIG. 1; paragraph 10); and

Art Unit: 2194

logic configured to direct the selected printer driver proxy to generate the driver (paragraph 11-14 , 22 and 25-26).

19. Zehler does not explicitly teach a confidence level associated with the object proxies .

20. Thompson teaches a confidence level of an object (paragraph 37) .

21. As to claim 41, it is rejected for the same reasons as claim 18 above.

22. As to claim 42, it is rejected for the same reasons as claim 19 above.

23. As to claim 43, Zehler teaches, wherein the logic configured to select one of the printer driver proxies (FIG. 1; paragraph 10) . Thompson teaches to compare confidence levels with a previously received confidence level (abstract; paragraph 37; wherein the claimed element “the searching for compatible matches” of Thompson’s reference is the comparing function that meet’s the claimed limitation of the claim).

Art Unit: 2194

24. As to claim 44, Zehler teaches wherein the logic configured to select one of the printer driver proxies is configured to store an index associated with a printer driver proxy (paragraph 10-14; FIG. 1; step 4 : 30). Thompson teaches having a greater confidence level (abstract; paragraph 37; wherein the claimed elements “the best fit” and “the optimum “ of Thompson’s reference meets the claimed limitation of the claim).

25. As to claims 1, it is rejected for the same reasons as claim 40 above.

26. As to claim 8, it is rejected for the same reasons as claim 14 and 40 above.

27. As to claim 2, it is rejected for the same reasons as claim 16 above.

28. As to claim 3, it is rejected for the same reasons as claim 18 above.

29. As to claim 4, it is rejected for the same reasons as claim 43 above.

30. As to claim 5, it is rejected for the same reasons as claim 44 above.

31. As to claim 6, it is rejected for the same reasons as claim 40 above.
32. As to claim 7, it is rejected for the same reasons as claim 23 above.
33. As to claim 9, it is rejected for the same reasons as claim 16 above.
34. As to claim 10, it is rejected for the same reasons as claim 17 above.
35. As to claim 11, it is rejected for the same reasons as claim 43 above.
36. As to claim 12, it is rejected for the same reasons as claim 43-44 above.
37. As to claim 13, it is rejected for the same reasons as claim 44 above.
38. As to claim 31, it is rejected for the same reasons as claims 14 and 44.
39. As to claim 35, it is rejected for the same reasons as claim 40 above.

40. As to claim 36, it is rejected for the same reasons as claim 18 above.

41. As to claim 37, it is rejected for the same reasons as claim 19 above.

42. As to claim 38, it is rejected for the same reasons as claim 43 above.

43. As to claim 39, it is rejected for the same reasons as claim 44 above.

Conclusion

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

/Abdou Karim Seye/
Examiner, Art Unit 2194